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REMARKS**Response to Claim Objections**

The Examiner objected to claims 41, 42, 45-48, 50-52 and 59 for a variety of formalities. Applicants have amended these claims to obviate the objections.

Response to Specification

The Abstract was objected to because it contained more than 150 words. Applicants have amended the Abstract to shorten it to less than 150 words and to focus the Abstract to the claims as amended.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1, 40-43 and 47-62 were rejected under 35 U.S.C. §102(e) as being anticipated by Patterson et al. and by McGuckin et al.. The Examiner contends that Patterson et al. discloses a distal shaft portion having an insulated recess which receives the electrosurgical cutting element. However, none of the cited portions of this reference refers to electrically insulating the tissue cutting element from the patient's tissue. Fig. 11 of Patterson et al. depicts the cutting element (140) at the upper surface of shaft 142 which would allow tissue contact with the cutting element (140) and the electrical elements (158 and 160) as shown in Fig. 13. Moreover, claims 1, 40 and 57 call for a tissue penetrating distal tip and Patterson et al. fails to teach this feature. McGuckin et al. is similarly deficient in teaching all the claimed features. The two cited references fail to teach all of the claimed features, namely an insulated recess to electrically insulate the electrosurgical tissue cutting element from a patient's tissue in the retracted configuration. Therefore, these references do not anticipate the rejected claims as contended by the Examiner.

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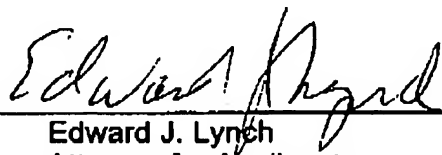
Response to Claim Rejections Under 35 U.S.C. §103

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peterson (as applied in the rejection of claim 40) in view of Eggers and over McGuckin, Jr. (as applied in the rejection of claim 40) in view of Eggers. However, Eggers fails to make up for the deficiencies of Patterson et al. and McGuckin, Jr. so the combination of these references fail to teach all the features of the rejected claims, particularly an insulated recess to electrically insulate the electrosurgical tissue cutting element from a patient's tissue. Therefore the rejection of these claims is not supported by these references.

Conclusions

Applicants believe that the pending claims, as amended above, are directed to patentable subject matter. Reconsideration of the claims as amended above and an early allowance thereof are earnestly solicited.

Respectfully submitted,

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